

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1109 OF 2016

Sudhir Rajaram Desai ... Petitioner
V/s.
Aradhana Sudhir Desai ... Respondent

Mr. Vishwajeet S. Kapse for the Petitioner.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 27th SEPTEMBER, 2017.

P.C. :

1 In this Petition the Petitioner herein has challenged the order dated 30.03.2013 whereby the Civil Judge, Senior Division, has granted interim maintenance of Rs.1,500/- to the Respondent, who is a minor daughter of the Petitioner.

2 Heard the learned counsel for the Petitioner. The main contention of the Petitioner is that his wife had filed a Suit for divorce and that the said suit was disposed of in terms of consent terms/pursis, filed by the parties. He has submitted that all the disputes between the parties, including the claim for maintenance of the child, were settled in the said Suit. The learned counsel for the Petitioner has drawn my attention to the copy of pursis annexed at Exhibit-B to the Petition (page 25). Perusal of the said pursis/

consent terms indicates that both the parties to the said proceedings i.e. the Petitioner herein and his wife had agreed to put an end to their marital disputes. The wife of the Petitioner had given up her claim in respect of movable as well as immovable property of the Petitioner. She had also given up her right of permanent alimony. Apart from seeking 'Sridhan', she had literally given up all her rights in respect of the property and/or permanent alimony. The said pursis/consent terms does not indicate that the issue of maintenance of the child was considered and agreed upon by the parties.

3 Respondent is the daughter of the Petitioner and she is residing with her mother since 2011. The Respondent-daughter today is 14 years of age and is a school going child. The Petitioner, being the father, has a legal responsibility and duty to maintain support and protect the child. Considering the age of the respondent, her educational and other expenses and steep rise in a cost of living an amount of Rs.1,500/- per month is not exorbitant, as sought to be contended by the Petitioner. Hence, there is no reason to interfere with the impugned order. The Writ Petition is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)